



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1617 Customer No.: 035811
Examiner : Gina C. Yu
Serial No. : 10/806,536
Filed : March 23, 2004 Docket No.: 1056-04
Inventor : Olivier Courtin
Title : COSMETIC COMPOSITION FOR MEN'S Confirmation No.: 2502
: SKIN CARE AND HAIR CARE

Dated: September 12, 2007

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Interview Summary dated August 21, 2007.

Remarks

The Applicant acknowledges receipt of the Interview Summary dated August 21, 2007 wherein the Applicant's representative discussed the §103 rejections of the March 19, 2007 Official Action as indicated in the Summary Record.

The Applicant has already been completely responsive to the outstanding Official Action of July 2, 2007 by virtue of the filing of an RCE on August 20, 2007. However, to ensure complete responsiveness to the Interview Summary, the Applicant provides a summary of the points raised by the Applicant's representative and acknowledged in the Interview by the Examiner.

The Applicant pointed out that Simopoulos is directed to the nutritional value of purslane and does not disclose the use of purslane in a cosmetic composition. The Examiner acknowledged that point. However, the Examiner pointed to the disclosure in Simopoulos that purslane contains a relatively high amount of omega-3 fatty acid, alpha-linolenic acid. The Examiner indicated that the use of omega-3 fatty acids in cosmetic compositions is conventional and well known in the art as discussed in U.S. Patent No. 5,445,822 which is discussed on Page 4 of the Official Action. The

Examiner also indicated that additional references could be found that show that omega-3 fatty acids are conventional ingredients in cosmetic compositions.

Thus, because omega-3 fatty acids are known to be advantageous in cosmetic compositions, the Examiner took the position that there is adequate motivation to incorporate the omega-3 fatty acid containing purslane of Simopoulos into the composition into the Applicant's claimed composition. The Applicant pointed out that the prior art of record contains no teaching or disclosure that the omega-3 fatty acid component of purslane is responsible for anti-inflammatory activity. For this reason, the Applicant submitted that there is no teaching in the art that purslane or any other omega-3 fatty acid containing composition would have a therapeutic anti-inflammatory effect, let alone the amount of purslane that would be therapeutically effective for this purpose. The Examiner conceded that point and acknowledged that the current rejections should be withdrawn.

The Examiner nonetheless maintained that the amendment relating to the therapeutically sufficient amount of purslane requires a new search. In particular, the Examiner expressed the desire to search for publications which might teach anti-inflammatory activity of purslane or the omega-3 fatty acids it contains. It was therefore agreed that the current rejections would be withdrawn and that a further search would be considered. The Applicant respectfully requests that such a search indeed be conducted, the prior rejections be withdrawn and any newly considered prior art be placed on the record.

Respectfully submitted,



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For

Postcard
Response

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

Name of Applicant, Assignee, Applicant's Attorney
or Registered Representative:

DLA Piper US LLP
Customer No. 035811

By: _____

Victoria B. Marin

Date: _____

September 12, 2007